

# Section 635

## **SEC. 635. EXPANSION OF AUTHORITY OF SECRETARY OF DEFENSE TO WAIVE TIME LIMITATIONS ON CLAIMS AGAINST THE GOVERNMENT FOR MILITARY PERSONNEL BENEFITS.**

### **(a) AUTHORITY FOR WAIVER OF TIME LIMITATIONS -**

Paragraph (1) of section 3702(e) of title 31, United States Code, is amended by striking 'a claim' and all that follows through 'title 10' and inserting 'a claim referred to in subsection (a)(1)(A)'.

### **(b) TECHNICAL AMENDMENTS -**

(1) Such paragraph is further amended --

(A) by striking 'Upon the request' and all that follows through 'the Secretary of Defense' and inserting 'The Secretary of Defense';

(B) by striking 'and, subject to paragraph (2), settle the claim'; and

(C) by adding at the end the following new sentence: 'In the case of a claim by or with respect to a member of the uniformed services who is not under the jurisdiction of the Secretary of a military department, such a waiver may be made only upon the request of the Secretary concerned (as defined in section 101 of title 37).'

(2) Paragraph (2) of such section is amended --

(A) by striking 'under paragraph (1)' and inserting 'under subsection (a)(1)(A)'; and

(B) by inserting before the period at the end the following: ', except that in the case of a claim for retired pay or survivor benefits, if the obligation claimed would have been paid from a trust fund if timely paid, the payment of the claim shall be made from that trust fund'.

### **(c) EFFECTIVE DATE -**

The amendment made by subsection (a) shall apply with respect to claims against the United States presented to the Secretary of Defense under section 3702 of title 31, United States Code, on or after the date of the enactment of this Act.